

Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE B

TUESDAY, 22 AUGUST 2017 AT 10:00 HOURS
IN COMMITTEE ROOM 1, COUNCIL HOUSE, VICTORIA SQUARE,
BIRMINGHAM, B1 1BB

Please note a short break will be taken approximately 90 minutes from the start of the meeting and a 30 minute break will be taken at 1300 hours.

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chairman to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Internet site (www.birminghamnewsroom.com) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3 - 80

3 LICENSING ACT 2003 PREMISES LICENCE – GRANT SOIREE LOUNGE, UNIT 2, 5 -11 FLEET STREET, BIRMINGHAM, B3 1JP

Report of the Acting Director of Regulation and Enforcement.
N.B. Application scheduled to be heard at 10:00am

4 OTHER URGENT BUSINESS

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee B
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Tuesday 22nd August 2017
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	Soiree Lounge, Unit 2, 5 -11 Fleet Street, Birmingham, B3 1JP
Ward affected:	Ladywood
Contact Officer:	David Kennedy, Principal Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:

To consider relevant representations that have been made in respect of an application for a Premises Licence which seeks to permit the Sale of Alcohol (for consumption on and off the premises) to operate from 12:00midday until 11:30pm (Sunday to Thursday), 9:00pm until 2:30am (Friday) and 9:00pm until 3:30am (Saturday).

To permit the provision of Regulated Entertainment consisting of indoor sporting events, live music, recorded music, performances of dance and anything of a similar description, to operate indoors only, from 12:00midday until 11:30pm (Sunday to Thursday), 9:00pm until 3:00am (Friday), and 9:00pm until 4:00am (Saturday).

To permit the provision of Late Night Refreshment to operate from 11:00pm until 2:30am (Friday) and 11:00pm until 3:30am (Saturday).

Premises to remain open to the public from 12:00midday until 12:01am (Sunday to Thursday), 9:00pm until 3:00am (Friday) and 9:00pm until 4:00am (Saturday).

Other dates and times as specified in the application form.

2. Recommendation:

To consider the representations that have been made and to determine the application.

3. Brief Summary of Report:

An application for a Premises Licence was received on 16th June 2017 in respect of Soiree Lounge, Unit 2, 5 -11 Fleet Street, Birmingham, B3 1JP.

Representations have been received from West Midlands Police, as a responsible authority, and from other persons.

4. Compliance Issues:
4.1 Consistency with relevant Council Policies, Plans or Strategies:
<p>The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.</p>
5. Relevant background/chronology of key events:
<p>TMR 2016 Limited applied on 16th June 2017 for the grant of a Premises Licence for Soiree Lounge, Unit 2, 5 -11 Fleet Street, Birmingham, B3 1JP.</p> <p>A representation has been received from West Midlands Police, as a responsible authority. See Appendix 1.</p> <p>Representations have been received from other person, which are attached at Appendices 2 – 4.</p> <p>The application is attached at Appendix 5.</p> <p>Conditions have been agreed with Environmental Health and the applicant, which are attached at Appendix 6.</p> <p>The Hearing was initially scheduled before Licensing Sub-Committee B on Tuesday 8th August 2017. However the applicant's legal representative requested that the hearing be adjourned due to their unavailability on this date. On Tuesday 8th August 2017, Licensing Sub-Committee B resolved to adjourn the hearing until Tuesday 22nd August 2017.</p> <p>A copy of the determination is attached at Appendix 7.</p> <p>Site Location Plans at Appendix 8.</p> <p>When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-</p> <ol style="list-style-type: none"> a. The prevention of crime and disorder; b. Public safety; c. The prevention of public nuisance; and d. The protection of children from harm.
6. List of background documents:
<p>Copy of the representations as detailed in Appendices 1 – 4</p> <p>Application Form, Appendix 5</p> <p>Conditions agreed with Environmental Health, Appendix 6</p> <p>Licensing Sub-Committee determination of Tuesday 8th August 2017, Appendix 7</p> <p>Site Location Plans, Appendix 8</p>

7. Options available

To Grant the licence in accordance with the application.

To Reject the application.

To Grant the licence subject to conditions modified to such an extent as considered appropriate.

Exclude from the licence any of the licensable activities to which the application relates.

Refuse to specify a person in the licence as the premises supervisor.

Appendix 1

ENTERED

R

From: Abdool Rohomon -
Sent: 14 July 2017 15:12
To: Licensing
Subject: Premise License application - Soiree lounge

Dear Licensing,

West Midlands Police have received the premise licence application for Soiree lounge. These premises are known to West Midlands Police as they used to trade under the name of Beorma, until they were subject to enforcement proceedings that saw their premise licence being suspended and then ultimately revoked. The new applicant is the Father of the previous applicant, they have traded recently under a series of TEN, although these were granted they had operating conditions that they proposed and complied with for trading purposes.

The premise licence application submitted has suggested conditions that in the view of West Midlands Police are vague, and unenforceable and do not reflect how the premises operated through the periods when they had Temporary Event Notices. West Midlands Police have suggested conditions that are clear, precise and enforceable and reflect how the premises has operated under the Temporary Event notices. Not all of these conditions have been agreed by the applicant.

Considering the history of these premises, the vague conditions being offered by the applicant, and them not consenting to the new worded conditions West Midlands Police object to this application on the grounds of the prevention of crime and disorder, public safety and public nuisance objectives for the above reasons.

West Midlands Police formally seek a licensing hearing

Kind regards

Abs Rohomon

**PC 4075 Rohomon
BW Licensing
Police headquarters
Lloyd House
Colmore Circus
Birmingham
B4 6NQ**

West Midlands Police

Website: www.west-midlands.police.uk
Twitter: www.twitter.com/brumpolice
Facebook: www.facebook.com/westmidlandspolice
YouTube: www.youtube.com/westmidlandspolice

Vision statement - Serving our communities, protecting them from harm

Appendix 2

Entered
PJ

From:
Sent: 02 July 2017 15:13
To: Licensing
Subject: Fwd: Soirée Lounge, Unit 2. 5-11 Fleet Street

From:
Date: 1 July 2017 at 16:50:35 BST
To: licensing@birmingham.co.uk
Subject: Soirée Lounge, Unit 2. 5-11 Fleet Street

Dear Sirs,

Re the license application for the above premises I would like to register my objection to the issuing of such a license as a resident of Islington Gates on Fleet Street.

As has previously been shown such establishments are incompatible with a residential area as they both cause and attract nuisance elements, noise, dirt and generally lower the tone of the whole area. Already we suffer from the noise of drunken revellers walking down Fleet Street from existing premises shouting, vomiting, urinating and smashing bottles and glass ware. This is made worse by the taxi drivers attracted to the clubs who honk car horns, block the one way street, shout to illegally try and attract customers.

As I am sure you are aware Staycity on Charlotte Street has caused a huge upsurge in anti social behaviour and I am sure based on past experience this venue will do the same, as the council installed (but ignored) notices on the lamp posts exhort people to be quiet as this is a residential area shouldn't the council heed its own advice and not issue drinks licence and put the residents before the dodgy bar owners.

Entered
2

From:
Sent: 14 July 2017 13:02
To: Licensing
Cc: Bhapinder Nandhra
Subject: 'Soirée Club' - Objection to Licensing & Tens Applications posted June 17th 2017
Attachments: APPLICATION NUMBER- 2015_07949_PA.pdf; APPLICATION NUMBER- 2015_07949_PA Officers Report.pdf

FAO: Licensing Section, Birmingham City Council

Islington Gates Management Committee

Dear Sir/Madam

OBJECTION TO APPLICATION (by TMR 2016 LTD) FOR PREMISES LICENCE & TENS

- 'Soirée Lounge'/Bar, 5-11 Fleet Street B3.

1. On behalf of residents in Fleet Street B3, I write to object to the above application.

The Fleet Street Residential Area

2. The applicants represent the Rashid family, who currently control these former restaurant-only premises situated within the City Fringe of the Jewellery Quarter Conservation Area, opposite residential blocks A and B of the Islington Gates development.

3. I write on behalf of the Islington Gates Management Company. Our board consists of owners/residents of properties within this 144 apartment development, which sits along the Fazeley Canal from Summer Row to Newhall Street. Accordingly it occupies the whole of one side of Fleet Street. Blocks A and B Islington Gates (numbers 4 and 6 Fleet Street) are 6 storey buildings sitting directly across from 5-11 Fleet Street. Some 50 flats are most directly affected by noise and nuisance from the Applicant's site, though nuisance connected to Club openings - notably traffic congestion and noise in the early hours - does tend to spread down Fleet Street and impact on other dwellings.

4. We ask the Licensing Committee to recognise that Fleet Street is a residential area. Since the opening of Beorma and now, Soirée Lounge/Club under temporary licences, Fleet Street has witnessed unprecedented and inappropriate levels of nuisance, noise and traffic congestion when the club is open. Historically two other Club/bar premises have operated nearby, on Summer Row. Unlike 5-11 Fleet Street, these premises do not sit directly in the residential area.

5. We object to the grant of a premises licence, inter alia, on the following grounds:

Crime and Disorder

6. Objective control of the premises has not changed since the revocation of the previous premises licence on crime and disorder grounds; 5-11 Fleet Street is controlled by the Rashid family.

There is no reason to believe that a 200 seater club re-styled as 'Soirée Lounge' will not, again, attract criminal elements, as evidenced when operated as 'Beorma Club' by the Rashid family. Current social media advertising and promotions mirror those previously posted for Beorma Club and appear aimed at attracting the same clientele. Social media currently promote the Soirée Club as offering 'a Miami nightlife experience' (Birmingham Mail website). The Licensing Committee will recall that, under the ownership of the Rashid family, 5-11 Fleet Street brought into our area criminal elements resulting in gun crime in March 2016. Up to this time Fleet Street was free of such serious criminal behaviour.

Nuisance to Residents

7. Like its previous incarnation as Beorma Club, the experience of Soirée Lounge operations via TENs to date has been poor. Residents in flats facing the premises have been disturbed. A resident has complained to BCC Environmental Health as follows:

At 00:30 hours (Sunday 02/07/17), I was awoken by a group of young men gathering outside the entrance to the club, I saw them drinking from a wine bottle. Others arrived and joined the awaiting group outside the premises. There was no evidence of security staff in that no one was wearing hi-vis jackets.

At 02:38 (02/07/17), I was awoken again. There was a large group (20-30 people) in Fleet Street. There was shouting. Glass bottles were smashed. There was considerable noise from cars revving (and cheering from the group in the street). There was no evidence of security staff or marshals to supervise the dispersal of patrons from the premises.

8. As the Committee should be aware, this is a reprise of the nuisance previously occasioned in the middle of the night by Beorma Club. This indicates an absence of suitable control by the Rashid family of this 'new' venture. It underlines the unsuitability of late night club opening opposite the Islington Gates' residential blocks.

9. This conclusion is based upon the hard evidence of the local residents' experience of Beorma/Soirée club activity directly opposite them. It is a conclusion also reached by the City Council Planning Committee. We wish to reserve the right to bring further evidence of residents' concerns to the Committee.

Refusal of Planning Permission on Grounds of Nuisance to Residents (December 2015).

10. The operation of 5-11 Fleet Street as club premises was the subject of a planning application in December 2015 (Application No. 2015/07949/PA). This sought change of use from restaurant (Use Class 3) to bar (Use Class 4).

11. This was refused by the Birmingham City Council Planning Committee on the following grounds:

The use of the application premises as a drinking establishment, due to its scale, late opening, proximity to residential development and cumulative impact with nearby existing bars would adversely affect the amenity of occupiers of dwellings in the vicinity by reason of noise and general disturbance. As such the proposal would be contrary to Paragraphs 3.8 and 8.7 of the Birmingham UDP 2005 and the National Planning Policy Framework.

12. We append a full copy of the Planning Decision. While we understand that the Licensing process is 'stand alone' we urge the Committee to address the decision of the City Planning Committee as a material consideration in the matter of nuisance to residents. Presciently, the Planning Committee Decision of December 2015 accurately predicted the experience of residents during the operation of the previous and current club run by the Rashid family at 5-11 Fleet Street.

13. Furthermore, contact with the Planning Enforcement arm of the City Council indicates that the failure of the owners and operators of both Beorma and now, Soirée Clubs, to respect the decision of the Planning Committee is under active scrutiny.

14. In an email of 7th June 2017 to myself the following information was provided by the Planning Department:

From: Mark Franklin, BCC Enforcement

Just to advise you that planning, planning enforcement, licensing and conservation all met on site on Monday with the leaseholder and his representatives. In short he was advised of his obligations with regards to all legislation.

We are expecting an application for listed building consent and a planning application regarding the use as a late night bar. The planning application has not been invited, however, we are unable to refuse the submission of one and the planning agent involved wants the opportunity for something to be considered that he feels will overcome not only the planning issues, but the licensing issues as well.

It was agreed that the premises would not operate whilst this matter is on-going, however, should they do so we will consider what action, if any is appropriate to take.

As matters progress, I will update you accordingly.

Yours sincerely

*Mark Franklin
Senior Enforcement Officer
Planning Management*

(END)

15. I draw attention to the penultimate paragraph of the above, in which Mr Franklin states that:

'it was agreed that the premises would not operate whilst this matter is ongoing'.....

I understand the above to mean that an undertaking was given by the Soirée Club operator that the club would not seek to open until the absence of Planning permission (and other irregularities) were resolved. This undertaking appears to have been breached by the Soirée Lounge opening (and subsequent disturbance to residents) on the night of July 1st/2nd 2017, evidenced in the complaint above.

16. Prior to the above undertaking the club obtained TENs as follows:

Saturday 8th April 2017

22:00hrs to 04:00hrs

Saturday 16th April 2017

22:00hrs to 04:00hrs

Saturday 22nd April 2017

22:00hrs to 04:00hrs

Sunday 30th April 2017

22:00hrs to 04:00hrs

Saturday 6th May 2017

22:00hrs to 04:00hrs

Saturday 13th May 2017

22:00hrs to 04:00hrs

Saturday 20th May 2017

22:00hrs to 04:00hrs

Saturday 27th May 2017

22:00hrs to 04:00hrs

17. Over this period residents observed that the Soirée Lounge did not operate on some of the above dates, while on others, the club opened briefly (between c.12 midnight and the early hours), but with very few customers. This may be an attempt to claim, on the part of the Applicants, that the club has operated without detriment to local residents. However, by curtailing its usual operation to a notional period atypical of the actual planned operation, such token operation is no guide to likely nuisance to residents should a full premises licence be granted.

18. The Islington Gates Management Company urges the Licensing Committee to take the above into account. Planning consent was refused - Beorma and now, Soirée Clubs have operated and continue to operate, unlawfully without planning consent. Residents wish to see Enforcement action to uphold the Planning decision.

19. We invite the Committee to refuse all the current applications on nuisance, potential crime and disorder grounds and on the poor record of compliance of the Rashid family and their agents in respect of earlier Licensing conditions. Clearly, given the undertaking cited by Mr Franklin appears to have been breached by the current club operator, this can give the Committee little confidence that conditions it applies to any future club operations will be respected.

20. However, should the Committee be minded to approve the Application, we invite the Committee to postpone any decision in the light of the undertaking quoted in Mr Franklin's email and as Mr Franklin goes on to note, the need to resolve the Applicant's '*obligations with regard to all legislation*'.

21. Should the operator deny any such undertaking was given, it would still be a reasonable course of action and fair to both parties, were the Licensing Committee to postpone a decision on this Application to allow the various issues referred to by Mr Franklin from Enforcement to be resolved.

22. Additionally, we believe it would be perverse to ignore the clear finding of the Planning Committee, given its view (as to nuisance to residents in a residential area) goes to the heart of the concerns (and actual experience in Fleet Street) raised by residents in objection to the grant of licences to the Rashid's club at 5-11 Fleet Street.

23. The Islington Gates Management Company also supports the objection submitted by , a resident of Islington Gates.

In Summary

24. The Islington Gates residents' organisation believes the Committee should dismiss the current Applications for the reasons given above;

25. Alternatively the Committee should postpone a decision on these Applications until the matters referred to by the Senior Enforcement Officer, Mr Franklin, are progressed and resolved.

Yours Sincerely

Islington Gates Management Company

, Fleet Street, Birmingham B3

.....

REFUSAL OF CHANGE OF USE 5-11 Fleet St B3 -

15/12/15



DECISION DOCUMENT

APPLICATION NUMBER: 2015/07949/PA

TOWN AND COUNTRY PLANNING ACT 1990

APPLICANT

Biome Trading Company Limited
81 Hamstead Hall Road
Handsworth Wood
Birmingham
B20 1JA

AGENT (if used)

GT Designz Ltd
82a Holyhead Road
Wednesbury
West Midlands
WS10 7PA

BIRMINGHAM CITY COUNCIL HEREBY REFUSE PLANNING PERMISSION FOR DEVELOPMENT PROPOSED BELOW FOR THE REASONS STATED.

Change of use from restaurant (Use Class A3) to bar (Use Class A4)

at

5-11 Fleet Street, City Centre, Birmingham, B3 1JP

Reason(s) for Refusal

- 1 The use of the application premises as a drinking establishment, due to its scale, late opening, proximity to residential development and cumulative impact with nearby existing bars would adversely affect the amenity of occupiers of dwellings in the vicinity by reason of noise and general disturbance. As such the proposal would be contrary to Paragraphs 3.8 and 8.7 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Date: Tuesday 15th December 2015

Waheed Nazir, Director of Planning and Regeneration

P.O. BOX 28, Birmingham B1 1TU

In reaching this decision Birmingham City Council have made the decision in a positive way to foster the delivery of sustainable development, working proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. The decision has been taken having regard to the impact of the development, and in particular to the policies and proposals in the adopted Development Plan, and to all relevant material considerations, including the National Planning Policy Framework, the City Council's draft Birmingham Development Plan and Supplementary Planning Documents/Guidance. The City Council have worked in a seamless and timely manner to undertake the necessary liaison and negotiation with

the applicant, third parties and statutory consultees (at the application and pre-application stages) to look for solutions which seek only high quality sustainable development.

REFUSAL

Delegated Date:	11/12/2015	Application Number:	2015/07949/PA
Accepted:	20/10/2015	Application Type:	Full Planning
Target Date:	15/12/2015		
Ward:	Ladywood		

5-11 Fleet Street, City Centre, Birmingham, B3 1JP

Change of use from restaurant (Use Class A3) to bar (Use Class A4)

Applicant:	Biome Trading Company Limited 81 Hamstead Hall Road, Handsworth Wood, Birmingham, B20 1JA
Agent:	GT Designz Ltd 82a Holyhead Road, Wednesbury, West Midlands, WS10 7PA

Recommendation

Refuse

1. Proposal

- 1.1. The site is located at 5-11 Fleet Street which is a Grade II Listed Building located within the Jewellery Quarter Conservation Area. The application is for the change of use of the vacant unit from a restaurant (Use Class A3) to a bar (Use Class A4). This unit is located at ground and first floor levels in the front part of the building and has a floor area of 330 sqm. The hours of operation for the proposed bar would be 12 noon – 12 midnight Monday to Friday, 12 noon to 3.30am Saturdays and 12 noon to 11pm Sundays and Bank Holidays.
- 1.2. Listed Building Consent was obtained in 2013 for the refurbishment of the ground floor windows (2013/01362/PA). These works included refurbishment of the windows, installation of secondary glazing, the installation of a frameless glass entrance door, new signage and the alteration of a window to provide a menu board. This permission remains extant until the 25/04/2016.
- 1.3. A Listed Building Consent application has also been submitted to accompany this application (2015/08303/PA) for external alterations including a new glazed entrance door, refurbishment of windows, externally illuminated sign, backlit sign and internal alterations including installation of new bars, seating and toilets at ground and first floor level including new internal partition walls. There is some overlap between the works proposed in the new LBC application and the former consent including the glazed entrance door and window refurbishment.
- 1.4. Development has commenced on the site including internal refurbishment works, the installation of black framed metal doors with stainless steel handles, a tubular entrance feature within the original wagon entrance to the left of the front elevation, new acrylic internally illuminated signage. These works are unauthorised and the external works do not match the extant permission or submitted LBC application.

2. Site & Surroundings

- 2.1 The building located at 5-11 Fleet Street is a Grade II Listed Building within the Jewellery Quarter Conservation Area. The building was constructed in the late 19th

Century and was used as a metal working factory. The building underwent some substantial alterations in the early 2000s involving the retention of the original façade and rebuilding to the rear, together with the conversion of the building to provide 2 restaurant units (2001/05812/PA).

- 2.2 In terms of the historic significance; the building is a good example of a 19th Century metal works. It is a two storey building constructed from brick with stone dressings, and decorative banding at eaves level, a slate roof and traditional sash windows. The timber loading bay doors (some of which have now been removed) and the wagon access are also notable features of the building.
- 2.3 In terms of the surrounding environment. The site is located adjacent to the building at 13-15 Fleet Street which is a Grade II* Listed Building now in use as a museum (Coffin Works). The site is also located opposite the block of flats within the canalside Islington Gates development. There are several bars located on Summer Row to the west of the site including The Shakespeare, Apres Bar, Mechu and Fleet Street bar/restaurant.

3 Planning History

- 3.1 1998/00879/PA - Conversion into restaurant (Class A3) and 4 flats and erection of single-storey extension – Approved with Conditions 18/06/1998.
- 3.2 2001/00696/PA - Conversion, including erection of rear extension to provide restaurant, cafe and offices – Refused 26/04/2001.
- 3.3 2001/00697/PA - Part demolition, alterations and extension to provide restaurant, cafe and offices – Refused 26/04/2001.
- 3.4 2001/05805/PA - Conversion to restaurant and erection of rear extension to provide additional restaurant – Approved with Conditions 19/04/2002.
- 3.5 2001/05812/PA - Part demolition, alterations and erection of rear extension to provide two restaurants (LBC) – Approved with Conditions 19/04/2002.
- 3.6 2004/0359/ENF - Development is not being carried out in accordance with previous approval refs 2001/05805 and 2001/05812/01 – Closed no Planning Issues - 20/06/2001.
- 3.7 2011/04335/PA - Retention of an internally illuminated menu board to front elevation Refused - 06/09/2011
- 3.8 2011/04341/PA - Listed Building Consent for the retention of an internally illuminated menu board to front elevation - Refused - 06/09/2011
- 3.9 2011/0446/ENF - Internally illuminated menu board adjacent to main entrance – Breach ceased 8/11/12
- 3.10 2013/01362/PA – Listed Building Consent for refurbishment of ground floor windows – Approved with Conditions 25/04/2013

4 Consultation/PP Responses

- 4.1 Transportation - no objection. The level of trip generation would be very similar between the two uses, and servicing is unlikely to become notably greater.

- 4.2 Regulatory Services – objection. Recommend refusal as the premises location is not considered suitable and that significant and unreasonable disturbance would arise to occupiers of the existing Islington Gates residential premises on the opposite side of Fleet St. Environmental Health have investigated several noise complaints about the existing Mechu and Apres premises, which have resulted historically in the licence being reviewed. Despite practicable controls being implemented at the bar (eg ensure that queueing takes place away from the residential premises) we still receive complaints. Existing residents have an adverse impact on their amenity already, which would be exacerbated by the presence of another bar. EPU consider that the potential impact of this development, due to the local setting, is more significant than the existing bars.
- 4.3 Birmingham City Centre Management, Trafalgar Area Action Group, Central Ladywood Community Forum, The Civic Centre Residents Association, Ward Councillors, The Jewellery Quarter Development Trust and Newhall Court Residents Association were notified of the application. No responses were received.
- 4.4 Local residents and businesses were notified of the application, a press and site notice was also displayed. 6 responses were received with the following summarised points of objection.
- Noise impact on residential flats directly opposite the site/in close proximity.
 - The proposed bar used would have a much greater impact than a restaurant use,
 - Cumulative noise and disturbance impact with other bars in the vicinity of the site.
 - Increased anti-social behaviour associated with bar use.
 - Increased car parking congestion.
 - This unit was never used as a restaurant and the proposal would be considered to be a change of use from the former industrial use.
 - The hours of operation should be limited to 10pm to allow residents to sleep.
 - The glazed door and illuminated signs are out of character with this listed building(s) and conservation area.
- 5 Policy Context
- 5.1 Birmingham Unitary Development Plan, Draft Birmingham Development Plan, NPPF, Jewellery Quarter Conservation Area Character Appraisal and Management Plan, Jewellery Quarter Conservation Area Design Guide.
- 6 Planning Considerations
- 6.1 This planning application is for change of use only; the main issues to consider are the principle of development, impact on residential amenity and transport issues.
- Principle of Use
- 6.2 In relation to the principle of the change of use from a restaurant (A3) to a drinking establishment (A4). This former industrial building was converted into two restaurants in the early 2000s following permission granted in 2002 (ref: 2001/05805/PA).
- 6.3 The Birmingham UDP seeks to encourage a diversity of uses within the city centre including leisure and entertainment uses (paragraphs 7.32 & 7.33). The Draft Birmingham BDP also seeks a mixture of uses in the city centre in order to promote its diversity, vitality and viability (paragraph 7.37). The BDP states that *'it is key to the*

success of a centre to have alongside A1 retail units, other uses, for example bars, restaurants, leisure, local services and hot food takeaways. It is however important that the main retail function of a centre is not undermined by an over-concentration of these non-A1 uses". In order to achieve this BDP Policy TP23 states that there should be no over concentration of non-retail uses (Class A2, A3, A4 and A5) within the city centre to the detriment of the retail function, attractiveness and character of the centre in question.

- 6.4 The site is located within the City Fringe area of the Jewellery Quarter which falls within the city centre boundary, where leisure and entertainment uses are normally encouraged. The development would not result in the loss of retail use or an impact on the vitality and viability of the city centre as a whole. However, the site is located at the western end of Fleet Street which is located close to several existing bars on Summer Row, including: The Shakespeare, Apres Bar, Mechu and Fleet Street bar/restaurant. In addition, Fleet Street does contain several blocks of residential flats including Islington Gates directly opposite the site. Therefore, although the general land use principle of new drinking establishment uses can be supported in city centre locations, consideration needs to be given to whether the proposal would result in an over-concentration of such uses to the detriment of the amenity, function, attractiveness and character of the centre. This matter is considered in the next section of this report.

Residential Amenity

- 6.5 It is important to ensure that the proposed new drinking establishment use does not result in a detrimental impact on local residential amenity including an over-concentration of such uses in the area. As set out above, there are residential properties in the area including at Islington Gates directly opposite the site. Particular attention should be given to ensuring that the proposed drinking establishment (A4) use does not result in harm to these nearby residential units contrary to UDP Policies 8.6 & 8.7. It is acknowledged that several residents from this development have objected to the application on the grounds of noise and disturbance.
- 6.6 The proposed bar would be a reasonably sized drinking establishment with a floor area of 330 sq. m operating over two floors. The proposed bar would also have late hours of operation: 12 noon – 12 midnight Monday to Friday, 12 noon to 3.30am Saturdays and 12 noon to 11pm Sundays and Bank Holidays. Considering the size and potential large capacity of the bar, the late opening hours and the proximity to residential accommodation, the proposal would have the potential to generate a high level of noise and disturbance to the detriment of local amenity. Regulatory Services have recommended the refusal of the application due to the significant and unreasonable disturbance which would arise to occupiers of the existing Islington Gates residential development opposite the site. It is noted that the site has permission for restaurant use (with no operating hours restrictions), however the proposed bar use, particularly considering the scale and operating hours, would have a significantly greater impact on local amenity. The application has not been submitted with a noise survey which assesses the potential amenity impact on neighbouring properties in detail and no details of mitigation measures such as building insulation have been submitted.
- 6.7 In relation to the potential cumulative impact of the development in conjunction with other similar uses in the area. The site is located close to several existing bars on Summer Row to the west including: The Shakespeare, Apres Bar, Mechu and Fleet Street bar/restaurant. Regulatory Services have advised that they have investigated noise complaints about some of these existing uses, which indicates that there are

existing amenity problems in the area. The majority of these existing entertainment uses are located on Summer Row to the west of the site, and the proposed bar would be located closer to the residential flats within the Islington Gates development. It is considered, on balance, that the proposed bar has the potential to result in a cumulative amenity impact on nearby residential properties. It is considered that the proposed restaurant use has the potential to result in further demonstrable harm to local residential amenity from noise and disturbance contrary to UDP Policies 8.6 & 8.7 and BDP Policy TP23.

- 6.8 Overall, it is considered that the proposed bar, due to its scale, late opening, proximity to residential development and cumulative impact with nearby existing bars would cause demonstrable harm to local residential amenity contrary to UDP Policies 8.6 & 8.7 and BDP Policy TP23. No information such as a noise survey, insulation details or reduced hours of opening have been received from the applicant to demonstrate that the use could operate without detriment to local residential amenity.

Transport Impact

- 6.9 Transportation have been consulted on the proposal and have raised no objections. The application site is located within the Jewellery Quarter, close to the city centre and is highly accessible by walking, cycling and public transport. The development would not provide any on-site car parking, however adequate on-street car parking would be provided within the vicinity of the site. The proposed use could also be adequately serviced from Fleet Street without detriment to local highway conditions. Overall, the proposed use of the site would not be likely to have a detrimental impact on the safe operation of surrounding streets and there are no significant reasons why the proposal should be resisted on highway grounds.

Refuse Storage

- 6.9 No external refuse storage area is proposed. However, there is space within the courtyard area to the side/rear to provide externally sited refuse containers and had the development been otherwise acceptable this matter could have been dealt with by planning condition.

Other Issues

- 6.10 In response to the other residential objections. Firstly, limited weight would be given to the fact that the restaurant unit at the front of the property was never implemented or occupied following the granting of permission in 2002 and has been vacant for some time. The site previously obtained permission for restaurant use, however, the principle of the proposed drinking establishment use is considered on its own merits above. Secondly, in relation to the potential increase in anti-social behaviour issues. It is acknowledged that drinking establishments can sometimes result in an increase in anti-social behaviour in the area. However, this would be a matter that could be mitigated through customer management and security measures.

8 Recommendation

- 8.1 Overall, it is considered that the proposed bar, due to its scale, late opening, proximity to residential development and cumulative impact with nearby existing bars would cause demonstrable harm to local residential amenity contrary to UDP Policies 3.8, 8.6 & 8.7 and BDP Policy TP23.

8.1 Refuse

Reason for Refusal

-
- 1 The use of the application premises as a drinking establishment, due to its scale, late opening, proximity to residential development and cumulative impact with nearby existing bars would adversely affect the amenity of occupiers of dwellings in the vicinity by reason of noise and general disturbance. As such the proposal would be contrary to Paragraphs 3.8 and 8.7 of the Birmingham UDP 2005 and the National Planning Policy Framework.
-

Case Officer: Robert Lester

Appendix 4

Licence Application: 101982 TMR 2016 Limited for SOIREE LOUNGE Bar/Restaurant.

This application should be refused:

For the prevention of public nuisance by reason of noise and general disturbance:

1. The cumulative impact of nearby licensed premises (Shakespeare Bar, Apres Bar, Mechu and Fleet Street Kitchen) would adversely affect the amenity of occupiers of dwellings in the vicinity (some only 15 metres away) by reason of noise and general disturbance.
2. Such a proposal would be contrary to paragraphs 3.8 and 8.7 of the Birmingham UDP 2005.
3. Such a proposal would be contrary to the National Planning Framework.
4. The construction and design of this heritage building is inadequate, despite recent noise attenuation works, to contain the noise generated by the musical entertainment and the general noise created by such a large number of customers.
5. There is an unfortunate history to the operation of this club, both under its former identity as Beorma Club and presently when operating as Soiree Lounge under Temporary Events Notices.
6. The proposed site is much closer to high density residential properties than any of the nearby licensed premises (as listed in 1 above), at just 15 metres in some instances, and therefore make the premises unsuitable for these licenced activities.

For the prevention of crime and disorder by reason of disorder, drunkenness and anti-social behaviour:

1. As evidenced in paragraph 5 above, when operating under a Temporary Events Notice, there were customers congregating in Fleet Street, consuming alcohol from bottles, fighting, urinating in the street and being generally anti-social to nearby residents.
2. The door staff do not regulate or control the behaviour of customers in the street. Their main function is to ensure admission was limited to invited guests only. SIA Badges were not always evident, nor were Hi-Viz Jackets.
3. The operation of marshals to regulate and control the dispersal of patrons was either not operating or completely ineffective.
4. Parking in Fleet Street was chaotic and illegal with vehicles parked on the footpath, occupying disabled parking bays and obstructing the vehicular access points for Islington Gates and other properties in the vicinity. High powered motor vehicles revving engines at 4.00 a.m. is not conducive to sleep!

For Public Safety this application should be refused:

As already evidenced above,

1. Customers consuming alcohol from bottles in the street presents significant danger to customers and residents.
2. Parking presents significant risk to the safe passage of pedestrians and other road traffic, especially emergency vehicles.
3. The nature and construction of the heritage building makes it unsuitable for use by so many customers, especially at first floor level.

4. The inactivity of security staff to intervene in instances of public disorder and criminality presents risk to customers and residents.

However, should the Licensing Committee be minded to approve this application we would ask that, for the prevention of the **prevention of public nuisance** and for the **prevention of crime and disorder** (given the information already stated above) that the requested activity times for Friday, Saturday, Good Friday, every Saturday and Monday of a Statutory Bank Holiday, Christmas Eve and Boxing Day of 04:00 be REFUSED and substituted with 02:00 instead (with the exception for New Year's Eve only).

Further, for the **prevention of public nuisance**, we would ask that any grant of a licence is conditioned to prohibit the sale or consumption of alcohol or any other licensed activity within the enclosed courtyard area between the street entrance and the restaurant entrance. This will prevent the un-controlled emission of noise that would be unreasonable to the amenities that the nearby neighbours should expect to enjoy.

Islington Gates
Fleet Street
Birmingham.
B3

101.982
17.06.17 - 14.07.17

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

We TMR 2016 LIMITED

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description SOIREE LOUNGE UNIT 2, 5-11 FLEET STREET			
Post town	BIRMINGHAM	Postcode	B3 1JP
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£Not recorded	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | |
|--|---|
| a) an individual or individuals * | <input type="checkbox"/> please complete section (A) |
| b) a person other than an individual * | |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |
| d) a charity | <input type="checkbox"/> please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> please complete section (B) |
| f) a health service body | <input type="checkbox"/> please complete section (B) |

REGULATION & ENFORCEMENT LICENSING SECTION
DATE RECEIVED
13 JUN 2017
2.00 PM
REF NO 9471 / 000196
INITIALS

1

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a
- statutory function or ☐
- a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname		First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes
Nationality				
Current residential address if different from premises address				
Post town		Postcode		
Daytime contact telephone number				
E-mail address (optional)				

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/>	Please tick yes
Nationality					
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name TMR 2016 LIMITED
Address UNIT 2 5-11 FLEET STREET BIRMINGHAM B3 1JP
Registered number (where applicable) 10529426
Description of applicant (for example, partnership, company, unincorporated association etc.) PRIVATE LIMITED COMPANY
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
	07	2017

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

The applicant is seeking to be granted a premises License for the premises known as SOIREE LOUNGE (formerly BEORMA CLUB).

It has been well documented that the previous management team when it was known as The Beorma Club, had their premises license revoked at a Licensing Sub-committee hearing on 13th April 2016.

The Applicant who is also the leaseholder has removed all trace of the old management team and is looking to operate an upmarket licensed lounge, which will be controlled by an advanced guest list. There will be no admittance to persons unless they have arranged to be on the guest list. Identity of persons on the guest list will be confirmed from the ID scanner which will be used for every person entering the premises.

Currently the premises have been operating on a number of Temporary Events Notices which have not attracted any complaints in relation to Crime & Disorder or confirmed Noise complaints. The management team are in the process of engaging with nearby neighbours to allay any concerns they may have.

The new management structure is as follows: Stefan Kreuter, a Designated Premises Supervisor who is well respected in the leisure industry and has a wealth of experience. MORE SECURE, a security company who provide security to a number of venues and again is well respected in the Security Industry.

The applicant together with C.N.A. Risk Management will oversee the operation and ensure that the four licensing objectives are being met.

There are a number of documents attached to this application, they are as follows:

A list of Temporary Events notices showing submission date, together with documents which accompanied each TENS application. This consisted of a dispersal policy, Operational action plan and an events risk assessment.

The applicant will continue liaison with the responsible authorities especially West Midlands Police, Environmental Health Unit and Planning department.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

--

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☒
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☒
- f) recorded music (if ticking yes, fill in box F) ☒
- g) performances of dance (if ticking yes, fill in box G) ☒
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☒

Provision of late night refreshment (if ticking yes, fill in box I)

☒

Supply of alcohol (if ticking yes, fill in box J)

☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>			
Mon			Please give further details here (please read guidance note 4)			
Tue						
Wed			State any seasonal variations for performing plays (please read guidance note 5)			
Thur						
Fri			Non-standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue						
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)			
Thur						
Fri						
Sat			<u>Non-standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon	12:00hrs	23.30hrs	
Tue	12.00hrs	23.30hrs	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed	12.00hrs	23.30hrs	
Thur	12:00hrs	23.30hrs	
Fri	21.00hrs	03.00hrs	<u>Non-standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat	21.00hrs	04.00hrs	
Sun	12:00hrs	23.30hrs	From the end of permitted hours on New Years Eve to the start of permitted hours on New Year's Day On the commencement of British Summer Time a further additional hour to the standard permitted times.

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			Please give further details here (please read guidance note 4)			
Tue						
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)			
Thur						
Fri			Non-standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	12:00hrs	23.30hrs	Please give further details here (please read guidance note 4)		
Tue	12.00hrs	23.30hrs			
Wed	12.00hrs	23.30hrs	State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur	12:00hrs	23.30hrs			
Fri	21.00hrs	03.00hrs	Non-standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	21.00hrs	04.00hrs	From the end of permitted hours on New Years Eve to the start of permitted hours on New Year's Day		
Sun	12:00hrs	23.30hrs	On the commencement of British Summer Time a further additional hour to the standard permitted times. Every Sunday preceding a statutory Monday Bank Holiday, Christmas eve or boxing day, hours of Live Music from 21.00hrs to 04.00hrs.		

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors <input checked="checked" type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	12:00hrs	23.30hrs			
Tue	12.00hrs	23.30hrs			
Wed	12.00hrs	23.30hrs			
Thur	12:00hrs	23.30hrs	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Fri	21.00hrs	03.00hrs			
Sat	21.00hrs	04.00hrs	Non-standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun	12:00hrs	23.30hrs			
			From the end of permitted hours on New Years Eve to the start of permitted hours on New Year's Day		
			On the commencement of British Summer Time a further additional hour to the standard permitted times.		
			Every Sunday preceding a statutory Monday Bank Holiday, Christmas eve or boxing day, hours of recorded music from 21.00hrs to 04.00hrs.		

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon	12:00hrs	23.30hrs	Please give further details here (please read guidance note 4)			
Tue	12:00hrs	23.30hrs				
Wed	12:00hrs	23.30hrs	State any seasonal variations for the performance of dance (please read guidance note 5)			
Thur	12:00hrs	23.30hrs				
Fri	21.00hrs	03.00hrs	Non-standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sat	21.00hrs	04.00hrs	From the end of permitted hours on New Years Eve to the start of permitted hours on New Year's Day			
Sun	12:00hrs	23.30hrs	On the commencement of British Summer Time a further additional hour to the standard permitted times. Every Sunday preceding a statutory Monday Bank Holiday, Christmas eve or boxing day, hours of Performance of Dance from 21.00hrs to 04.00hrs.			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors <input checked="checked" type="checkbox"/>
Mon	12.00hrs	23.30hrs		Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue	12.00hrs	23.30hrs	Please give further details here (please read guidance note 4)	
Wed	12.00hrs	23.30hrs		
Thur	12.00hrs	23.30hrs	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)	
Fri	21.00hrs	03.00hrs		
Sat	21.00hrs	04.00hrs	Non-standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sun	12.00hrs	23.30hrs		
			From the end of permitted hours on New Years Eve to the start of permitted hours on New Year's Day	
			On the commencement of British Summer Time a further additional hour to the standard permitted times.	
			Every Sunday preceding a statutory Monday Bank Holiday, Christmas eve or boxing day, hours of anything of a similar description to that falling within (e), (f) or (g) from 21.00hrs to 04.00hrs.	

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			Please give further details here (please read guidance note 4)			
Tue						
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)			
Thur						
Fri	23.00hrs	02.30hrs	Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)			
Sat	23.00hrs	03.30hrs	From the end of permitted hours on New Years Eve to the start of permitted hours on New Year's Day			
Sun			On the commencement of British Summer Time a further additional hour to the standard permitted times.			
			Every Sunday preceding a statutory Monday Bank Holiday, Christmas eve or boxing day, hours of Late Night Refreshment from 23.00hrs to 03.30hrs.			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	12:00hrs	23:30hrs	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue	12:00hrs	23:30hrs			
Wed	12:00hrs	23:30hrs			
Thur	12:00hrs	23:30hrs	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	21:00hrs	02:30hrs			
Sat	21:00hrs	03:30hrs	From the end of permitted hours on New Years Eve to the start of permitted hours on New Year's Day		
Sun	12:00hrs	23:30hrs			
			On the commencement of British Summer Time a further additional hour to the standard permitted times.		
			Every Sunday preceding a statutory Monday Bank Holiday, Christmas eve or boxing day, hours of Supply of Alcohol from 12.00hrs to 04.00hrs.		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name STEFAN TIMOTHY KREUTER	
Date of birth	
Address	
Postcode	1
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	12:00hrs	00:01hrs	<p><u>Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p> <p>From the end of permitted hours on New Years Eve to the start of permitted hours on New Year's Day</p> <p>On the commencement of British Summer Time a further additional hour to the standard permitted times.</p> <p>Every Sunday preceding a statutory Monday Bank Holiday, Christmas eve or boxing day, hours of opening from 21.00hrs to 04.00hrs.</p>
Tue	12:00hrs	00:01hrs	
Wed	12:00hrs	00:01hrs	
Thur	12:00hrs	00:01hrs	
Fri	21.00hrs	03.00hrs	
Sat	21.00hrs	04.00hrs	
Sun	12:00hrs	00:01hrs	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

- Staff shall be trained in their responsibilities under the Licensing Act 2003 and training records shall be maintained and produced to the Police and Licensing Authority upon request.
- Suitably experienced person(s), shall be employed at all times whilst entertainment is being provided and shall take all reasonable steps to ensure that patrons do not cause a nuisance in the vicinity of the premises.
- The premises shall operate a search policy, drugs policy, lost property policy, dispersal policy and an ejection policy. All staff shall be trained on the policies and ensure compliance with the policies at all times.

b) The prevention of crime and disorder

- The premises shall operate a CCTV system which will be operated and maintained to the reasonable satisfaction of West Midlands Police. Images to be retained for a minimum of 30 days and made available to the responsible authorities upon reasonable request.
- If the premises has any external promoter the premises must give 28 days' notice of any such event to West Midlands Police Licensing Department. Notice must include full risk and security assessment. If additional control measures are needed they will become conditions for the duration of that event and any other events of the same name. Any additional measures to be communicated to the premises by West Midlands Police and retained on the premises and be produced when requested by any responsible authorities.
- All staff on the Premises shall be trained in recognising intoxicated customers and their responsibilities under the Act. Such training to be documented in a training register that is kept on the premises and available for inspection upon request by any responsible authority.
- The Number of Door Supervisors will be determined by the venue's risk assessment.
- The Premises License holder will ensure that when Door Supervisors are deployed, they will be in High Visibility coats/jackets when outside, and reflective tabards inside.
- Door Supervisors are to sign on and off duty every night, the signing in sheet to include their full name and full SIA badge number. Door Supervisors profiles to be retained on the premises for every Door Supervisor that is working at the premises or has done in the last 6 months. Profiles to be proof of identity (copy SIA badge, passport or photo driving license) and proof of address dated in the last 6 months (utility bill, bank statement or other government letter). Profiles to be made available immediately on request to any Responsible Authority.

c) Public safety

- A Health and Safety risk assessment is to be carried out regularly.
- The maximum capacity is to be agreed with West Midlands Fire Service. This figure may be varied from time to time subject to agreement with West Midlands Police.
- The licence holder will ensure that a member of staff will be trained in First Aid.
- The premises are to adopt best practices, such as the National Alcohol Harm Reduction Strategy.

d) The prevention of public nuisance

- A noise limiting device has been installed, in the premises, and will meet the specification and installation requirements of Birmingham City Council Environmental Health and set at a level agreed with Birmingham City Council Environmental Health. All regulated entertainment, live or recorded, shall be controlled by the limiter.
- Save for access/egress, all doors and windows shall remain closed during regulated entertainment in the premises.
- SIA Registered Security staff will oversee patrons arriving or departing the premises and not allow antisocial behaviour by individuals or groups. When necessary advice will be given to such patrons not to do anything which may cause annoyance or disturbance to local community.
- Uniformed Marshalls to be engaged to direct customers away from residential properties when leaving the premises and to ensure customers do not congregate in Fleet Street.
- The Designated Premises Supervisor shall ensure that the approved dispersion/management plan is implemented.
- There shall be no regulated entertainment in the external areas at any time.
- Recorded music sound levels are to be monitored so as not to constitute a Public Nuisance

e) The protection of children from harm

- The only acceptable forms of ID shall be a passport, photo card driving licence or a PASS accredited proof of age.
- Provision of sufficient staff to protect children from harm. with training on appropriate behaviour.
- No children allowed on the premises when the premises is operating.
- The premises shall adopt the challenge 25 scheme and appropriate signage will be placed at the entrance to the premises and adjacent to any bar servery.
- An ID Scanner will be fitted and in use.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- ☐ [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	Friday 16th June 2017
Capacity	Authorised Agent – C.N.A. Risk Management Limited

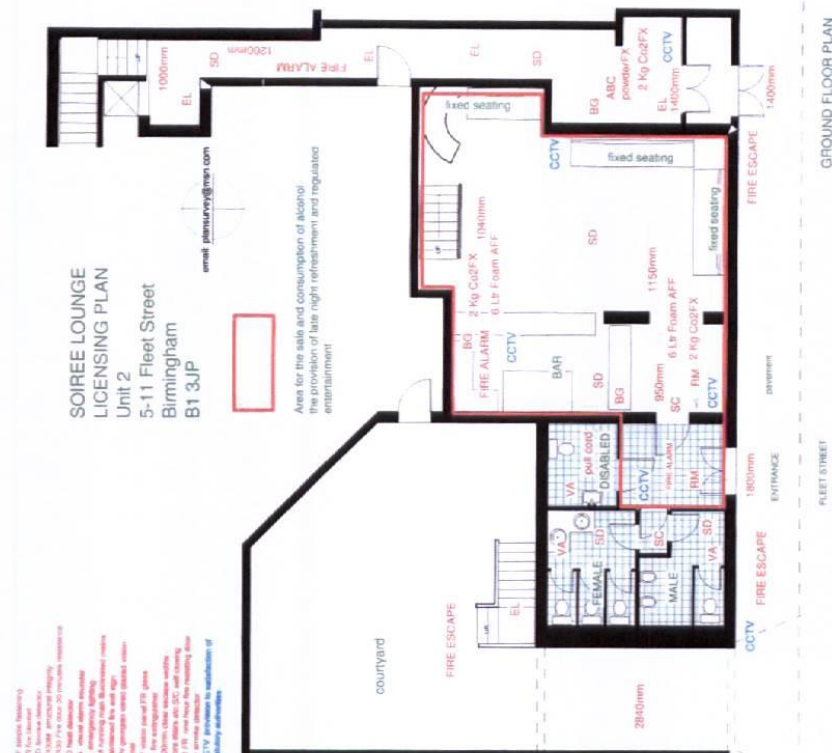
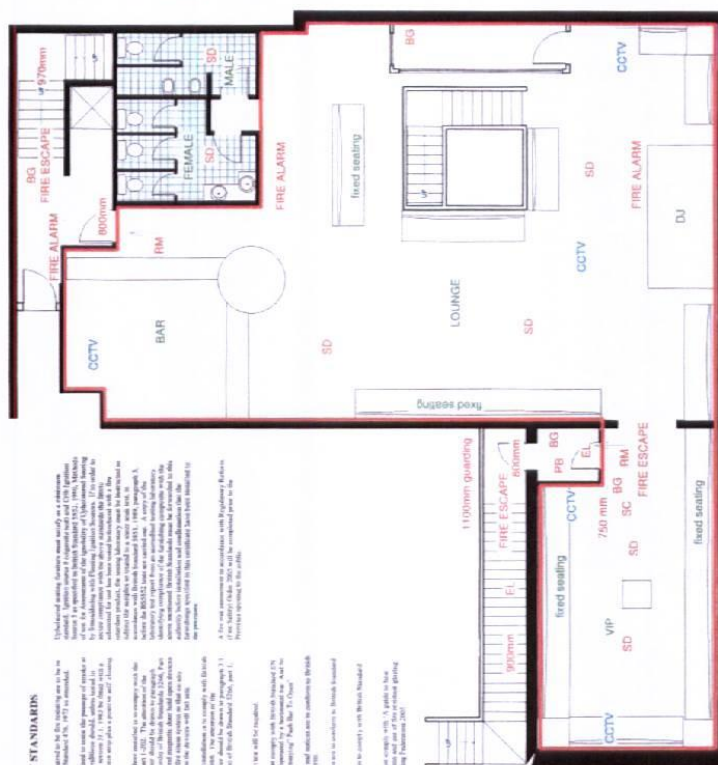
For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Carl Moore
C.N.A. Risk Management Limited

Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

[illegible]

LIST OF TENS FOR SOIREE LOUNGE

DATE	COMMENTS
Saturday 8 th April 2017	22:00hrs to 04:00hrs
Saturday 16 th April 2017	22:00hrs to 04:00hrs
Saturday 22 nd April 2017	22:00hrs to 04:00hrs
Sunday 30 th April 2017	22:00hrs to 04:00hrs
Saturday 6 th May 2017	22:00hrs to 04:00hrs
Saturday 13 th May 2017	22:00hrs to 04:00hrs
Saturday 20 th May 2017	22:00hrs to 04:00hrs
Saturday 27 th May 2017	22:00hrs to 04:00hrs

SOIREE LOUNGE

EVENTS RISK ASSESSMENT
FOR AN EVENT CALLED

‘SOIREE’

BEING HELD ON

SATURDAY 8TH APRIL 2017

PREPARED BY
C.N.A. RISK MANAGEMENT LTD

SOIREE LOUNGE

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SOIREE LOUNGE

EVENTS RISK ASSESSMENT
FOR AN EVENT CALLED

‘SOIREE’

BEING HELD ON

SATURDAY 8TH APRIL 2017

1. INFORMATION

INFORMATION PROVIDED	<p>Information supplied is that the Management at SOIREE LOUNGE are seeking to hold an event called 'SOIREE' on Saturday 8th April 2017.</p> <p>The event is an in-house promotion, with a local DJ performing.</p> <p>The attached report together with further documents will provide details of the event, conditions being adhered to, and advice given</p> <p>This event is classed as a 'MEDIUM RISK EVENT'</p>
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2. PERSONNEL FROM SOIREE LOUNGE

OPERATING COMPANY	TMR 2016 LIMITED
DPS OF SOIREE LOUNGE	Stefan KRUETER

CONTRACTORS INVOLVED

SECURITY PROVIDERS	Clint (BEVA) DUNKLEY (Director): MORE SECURE LIMITED 73 St Thomas Road Erdington Birmingham B23 7RQ
RISK ASSESSOR & LICENSING CONSULTANT TO THE VENUE	Carl MOORE (Director). C.N.A. RISK MANAGEMENT Ltd

3. DETAILS OF EVENT

VENUE/S	<ul style="list-style-type: none"> • SOIREE LOUNGE • Ground & First Floor of Premises
DATE/S	<ul style="list-style-type: none"> • Saturday 8th April 2017 through to Sunday 9th April 2017
OPENING HOURS	<ul style="list-style-type: none"> • 10:00pm to 4.00am
ENTRANCE	<ul style="list-style-type: none"> • The entrance being used is situated on the ground floor of the premises in Fleet Street
ADDMISION	<ul style="list-style-type: none"> • Advanced Guest List Only • Strict ID guidelines will be adhered to • ID SCANNER will be in use
LAST ADMISSION	<ul style="list-style-type: none"> • 1.00am
TYPE OF CUSTOMER	<ul style="list-style-type: none"> • 30 - 50yrs age range • Guests will be Business friends and associates
TYPE OF MUSIC	<ul style="list-style-type: none"> • Mixture of Commercial RnB & House
DRESS CODE	<ul style="list-style-type: none"> • Smart/Casual
ANTICIPATED NUMBERS	<ul style="list-style-type: none"> • 120 - 150
ETHNIC GROUPS	<ul style="list-style-type: none"> • None
CAPACITY OF PREMISES	<ul style="list-style-type: none"> • SOIREE LOUNGE: 220
DRINKS PROMOTIONS	<ul style="list-style-type: none"> • The management will be aware not to encourage binge drinking.
PUBLICISING THE EVENT	<ul style="list-style-type: none"> • Invite Only
TICKETS	<ul style="list-style-type: none"> • No Tickets, Guest List Only

4. DETAILS OF DJ's

DJ	PHOTO	DETAILS/COMMENTS (If Required)
ADAM (DJ VIP) THAW		Name: Adam THAW Date of Birth:(Address: Information: Adam is an in-house DJ

5. SECURITY DEPLOYMENT FOR SOIREE LOUNGE

8 SIA TRAINED DOOR SUPERVISORS FOR SOIREE LOUNGE	
DEPLOYMENT AREAS	SECURITY DEPLOYMENT
Search Team & Security at Main Entrance: (Door supervisor will wear Hi-Vis Security Jackets)	<ul style="list-style-type: none"> 2 Door supervisors (1 & 2) to control flow of queue will also meet & greet patrons whilst conducting ID, suitability checks and searches. They will also maintain a sterile area immediately outside the main doors. Metal barriers will be used for this, and to control queuing. At the end of the evening door supervisors will be used to direct leaving customers towards marshalled taxi rank in Summer Row
Reception area of SOIREE LOUNGE : (Door supervisor will wear Hi-Vis Security armbands)	<ul style="list-style-type: none"> 1 Door supervisor (3) to monitor reception area. Ensure all persons use the ID scanner To ensure reception & Cloakroom area is kept clear. At the end of evening door supervisor will ensure that customers are advised to keep noise to a minimum and to ensure doors in this are kept closed except for egress.
Main Staircase – Between Floors (Door supervisor will wear Hi-Vis Security armbands)	<ul style="list-style-type: none"> 1 Door supervisor (4) to monitor the main staircase between ground and first floor. To ensure staircase is kept clear. To assist either door supervisors on ground/first floor. To identify potential hotspots in this area To identify levels of drunkenness
First Floor Room: (Door supervisors will wear Hi-Vis security armbands)	<ul style="list-style-type: none"> 1 Door supervisor (5 & 6) to monitor First Floor. To ensure stairs are kept clear. To ensure that once customers have been served that they move away from the bar area. To also monitor and identify potential hot spots on first floor. To identify levels of drunkenness.
First Floor VIP area near to fire exit : (Door supervisors will wear Hi-Vis security armbands)	<ul style="list-style-type: none"> 1 Door supervisor (7) in the VIP Lounge and to monitor fire exit to court yard, ensuring no persons uses this exit to egress the premises. To also monitor Fire exit in this area ensure and maintain escape routes. To also monitor and identify potential hot spots. To identify levels of drunkenness.
Roaming Door (ds)	<ul style="list-style-type: none"> 1 Door supervisor (8) to monitor both the First Floor and Ground Floor This Door Supervisors will be a female. To monitor and identify potential hot spots in premises. To identify levels of drunkenness.

6. OPERATIONAL/SECURITY ARRANGEMENTS

SECURITY DUTIES	<ul style="list-style-type: none"> • All Door Supervisors will be briefed by their respective Designated Premises Supervisor, as to their duties during their tour of duty at the event. • No door supervisor will be engaged to work at the premises if he/she is not in possession of a current SIA licence. • No door supervisor will be engaged to work at the premises if the management at SOIREE LOUNGE are not supplied with a current profile of the Door supervisors.
SEARCHING	<ul style="list-style-type: none"> • SOIREE LOUNGE will operate random searches for those entering the premises, which will include the use of a hand held search device.
EJECTIONS FROM THE PREMISES	<ul style="list-style-type: none"> • All ejections will be conducted via the front entrance of SOIREE LOUNGE. • No other exit will be used, as they are deemed impractical and unsafe for various reasons.
IDENTIFICATION	<ul style="list-style-type: none"> • 'Challenge 25' will be adopted, and only the following ID documents will be accepted as proof of age. PASSPORT/DRIVING LICENCE. • ID SCANNER will be in use
CAMERAS	<ul style="list-style-type: none"> • The venue is equipped with CCTV, as per previous license conditions.
TOILETS	<ul style="list-style-type: none"> • Toilets will be checked periodically by door supervisors.
RADIO COMMUNICATION	<ul style="list-style-type: none"> • Radio's will be issued to all door & bar supervisors who in turn will be able to contact any door /bar supervisor or management in the premises
SMOKING AREA	<ul style="list-style-type: none"> • No smoking area
FIRST AID	<ul style="list-style-type: none"> • There will be a trained first aider on duty on the premises during this event
INCIDENT REGISTER	<ul style="list-style-type: none"> • All incidents will be recorded in the premises Incident register
REFUSALS REGISTER	<ul style="list-style-type: none"> • A refusals register will be in place to record all refusals of alcohol at both of the Bar serveries.
TAXI's	<ul style="list-style-type: none"> • The management have entered into a contract to use a specific taxi company who will be providing two taxi Marshalls. (Please See Dispersal Policy)

6. OPERATIONAL/SECURITY ARRANGEMENTS

DRUGS POLICY	<p>SOIREE LOUNGE have an absolute "Zero Tolerance" in relation to misuse of Drugs.</p> <p>a). Persons suspected of being in possession of unlawful drugs will be asked to submit to a search prior to entering the premises. If they decline the search, they will not be permitted access.</p> <p>b). Any person within the premises suspected of being in possession of unlawful drugs will be asked to submit to a search. If they decline they will be removed from the premises. Any "minor" possession (as per guidelines i.e. non dealing quantity) discovered under these circumstances will lead to the suspect drugs being seized and the person in possession and anyone accompanying him/her being refused entry.</p>
NOISE ISSUES	<ul style="list-style-type: none"> • The owners/management of SOIREE LOUNGE have an acoustics report dated March 2016. • Recommendations in this report will be adhered to. • <i>The Management at SOIREE LOUNGE will be liaising with Environmental Health officers to ensure the correct noise limiter is fitted and calibrated to their requirement.</i>
DPS AREA OF RESPONSIBILITY	<ul style="list-style-type: none"> • The DPS is ultimately responsible for his premises and ensuring all conditions of this risk assessment are adhered to. • The DPS will adhere to attached conditions at Appendix B • He is fully aware of his responsibilities. • The DPS for SOIREE LOUNGE will make periodic visits to the front entrance ensuring correct supervision of the door supervisors.

7. DETAILS OF POTENTIAL RISK FACTORS

VIOLENCE towards floor & Bar Staff, Security & members of Public	<ul style="list-style-type: none"> • All staff will have received training in the four licensing objectives. • All members of staff will be briefed prior to the event on possible dangers. • Each bar will have a supervisor on it that will have radio communication with security and management. • Staff will be trained to spot potential trouble makers & to defuse potential tense situations if safe to do so. • CCTV will be in working order, and have a recording facility of 31 days. • All incidents will be entered into an incident register/book. • Overcrowding will not be permitted in any area of the venue. Door supervisors & Management will ensure this is the case. • Drink will not be sold to any person who appears to show signs of drunkenness. • Glass collectors will be used to keep the venue clear of empty glasses, and to keep the venue clean & safe from spillages.
DRUNKENNESS issues	<ul style="list-style-type: none"> • All staff will have received training on how to spot a member of the public who appears to be drunk and how to deal with them. • If members of the public appear to be drunk then refusal of any further drinks will be made. • If improper behaviour is being displayed, ejection from the venue will be made.
QUEUING arrangements	<ul style="list-style-type: none"> • Customers arriving at the venue will be ushered into a single queue.
UNSUITABLE CLIENTILE	<ul style="list-style-type: none"> • Customers who turn up at the venue but are not suitably dressed for SOIREE LOUNGE will be politely refused entry.
SLIPS/TRIPS HAZARDS inside premises	<ul style="list-style-type: none"> • All stairs are fitted with handrails. • All carpet flooring is in good condition. • There is adequate lighting on all stairs/steps. • Staff have been identified to clean any spillages as soon as they have occurred. • Staff will have been instructed how to clean the spillage up as per Health & Safety instructions.

8. ADVICE

ADVICE GIVEN TO Mr Stefan KRUETER	<p>Mr Stefan KRUETER the Designated Premises Supervisors, is aware that there is a potential risk in holding any event, however, with all parties subject to this risk assessment complying with all conditions, then the risks can all but be eliminated</p> <p>The DPS has been advised by CNA Risk Management after consultation with, the Security Provider, and the Police that all conditions in the following documents are to be met before the event is allowed to go ahead.</p> <p>The conditions to be satisfied are in the following documents.</p> <ul style="list-style-type: none">▪ Conditions in this Events Risk assessment report▪ Fire Risk Assessment for Premises▪ Dispersal Policy – Appendix A▪ List of suitable Conditions - Appendix B
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9. CONDITIONS

DRUGS POLICY	To be fully adhered to
EVENTS RISK ASSESSMENT REPORT	To be fully adhered to
FIRE RISK ASSESSMENT REPORT	To be fully adhered to
DISPERSAL POLICY - APPENDIX B	To be fully adhered to
CONDITIONS IN APPENDIX B	To be fully adhered to
VARIATIONS OF CONDITIONS IN EVENT RISK ASSESSMENT REPORT	Any variation regarding the conditions in the Event Risk Assessment report will only be changed after consultation with the DPS, and CNA Risk Management Ltd.

PLEASE NOTE

This Event Risk Assessment document has been prepared by C.N.A. Risk Management from information supplied by the following: The DPS, security Provider MORE SECURE and the Management, and is based solely on the information provided by those parties. West Midlands Police will be made aware of this event.

C.N.A.RISK MANAGEMENT LTD DO NOT ACCEPT ANY LEGAL, FINANCIAL OR OTHER RESPONSIBILITY FOR ANY ACTION UNDERTAKEN BY THEM OR THEIR SERVANTS IN PREPARATION OF THIS EVENTS RISK ASSESSMENT OR OUTCOMES RESULTING FROM SAME

Appendix A

DISPERSAL POLICY

FOR

SOIREE LOUNGE

The Dispersal Procedure is specifically for the premises of THE SOIREE LOUNGE.

INTRODUCTION

It is acknowledged by the management at SOIREE LOUNGE that there may be a potential conflict between a licensee's legitimate right to provide entertainment and other services and the equally legitimate right of neighbours to enjoy their homes and businesses without disturbance.

SOIREE LOUNGE also acknowledges that popular venues are potential sources of nuisance, antisocial behaviour and crime which may create concern for the immediate neighbourhood, its residents and the relevant authorities. It is therefore a policy for SOIREE LOUNGE to prepare and adhere to management protocols including this Dispersal Policy to set out practices and procedures to achieve this.

SCOPE

The Dispersal Procedure is not an Emergency Evacuation Procedure. Its purpose is to set out operational standards to be adopted by the management of the premises around the terminal hour dedicated to ensure all practicable efforts are made to ensure that the premises or its patrons do not undermine the Public Nuisance Licensing Objective.

The Policy lays down guidelines to the senior staff to assist patrons to depart the premises and its immediate area in such a way as to cause minimum disturbance or nuisance to neighbours, both residential and business, and to make the minimum impact upon the neighbourhood in relation to potential nuisance, antisocial behaviour and crime.

The Dispersal Procedure is subject to review by the Designated Premises Supervisor on a regular basis and will address problems and concerns as they are identified in order to establish a permanent reduction or elimination. Consultation with local authorities and residents groups will be undertaken during the review of the policy.

DISPERSAL POLICY

	RISK	ACTION/POLICY
1	Final 30 minutes	<ul style="list-style-type: none"> During the last hour of trading the service points in each area will be reduced and certain staff re allocated to collecting glasses or offering customer service in the cloakroom to assist customer departure.
2	Lobby Doors	<ul style="list-style-type: none"> The lobby doors at the entrance will be shut to prevent any noise traveling outside.
3	Smoking Procedure	<ul style="list-style-type: none"> No Smoking areas
4	End of Evening	<ul style="list-style-type: none"> During the last half hour of trading the volume levels, type of music played and usage of lighting levels will be changed to become slower and gentler to encourage the gradual dispersal of patrons during the last part of trading and during the drinking-up period. DJ announcements will be used to both encourage a gradual dispersal and to remind customers of consideration for neighbours. Announcements made in relation to marshalled taxi rank in Summer Row The management and stewarding procedures will support this aim.
5	Notices at Exit	<ul style="list-style-type: none"> In line with company policies, highly visible notices will be in place in the foyer requesting exiting customers to leave quietly and to respect neighbours and their property.
6	Closure Of Areas	<ul style="list-style-type: none"> During the final hour, customers will disperse gradually, we will encourage this by closing certain areas (capacity pending), this helps with keeping atmosphere to a maximum and encourages a natural dispersal.

	RISK	ACTION/POLICY
7	Door Supervisors:	<ul style="list-style-type: none"> The following Practices will be developed. Encourage customers to drink-up and progress to the exit throughout the drinking-up time Draw the attention of exiting customers to the notices in the foyer and ask them to be considerate; Direct customers away from the immediate area, directing people towards the taxi rank. Door supervisors will assist Taxi Marshalls and direct exiting customers away from the premises in an orderly fashion
8	Taxis	<ul style="list-style-type: none"> Door staff will direct departing customers left out of the exit doors towards the marshalled taxi rank unless customers are parked elsewhere or are staying at local hotels. Two taxi marshals from the contracted taxi company will be on hand to usher customers towards the taxi rank in summer row. Customers will be able to board taxis in this location without disturbing local residents opposite the venue.
9	Female Customers:	<ul style="list-style-type: none"> To avoid lone females or vulnerable customers leaving into areas unknown to them, a safe area within the foyer will be provided for female customers to wait for their form of transport home. A Female door supervisor will attend to any lone or vulnerable female. This will be recorded
10	Staff	<ul style="list-style-type: none"> Consideration will be given to procedures for staff departures
11	Training:	<ul style="list-style-type: none"> SOIREE LOUNGE is committed to providing full training to its staff. Training at all levels will be conducted to ensure understanding and implementation of the unit specific Dispersal Procedure. All staff will receive induction training in all areas relevant to their legal responsibilities and assistance with dispersal this will be followed up with monthly refresher training including fire procedures and dispersal procedures.

	RISK	ACTION/POLICY
12	Queuing arrangements in Fleet Street	<ul style="list-style-type: none"> • Queuing will be kept to a minimum and will form up from the front entrance towards Newhall Street. • Door supervisors will be monitoring the queue and turning away customers who do not meet the criteria for entering SOIREE LOUNGE. • Door supervisors will also be encouraging customers to keep noise to a minimum.

Appendix B

LIST OF SUITABLE CONDITIONS FOR SOIREE LOUNGE

OBJECTIVE	CONDITION
GENERAL	The premises shall operate a CCTV system which will be operated and maintained to the reasonable satisfaction of West Midlands Police. Images to be retained for a minimum of 31 days and made available to the responsible authorities upon reasonable request.
GENERAL	The premises shall keep an incident register, which will document any incidents involving crime and disorder or public nuisance.
GENERAL	Staff shall be trained in their responsibilities under the Licensing Act 2003 and training records shall be maintained and produced to the Police and Licensing Authority upon request.
GENERAL	Suitably experienced person(s), shall be employed at all times whilst entertainment is being provided and shall take all reasonable steps to ensure that patrons do not cause a nuisance in the vicinity of the premises.
CRIME	The premises shall operate a search policy, drugs policy, lost property policy, dispersal policy and an ejection policy. All staff shall be trained on the policies and ensure compliance with the policies at all times.
CRIME	The Premises Licence holder will ensure that when Door Supervisors are deployed, they will be in High Visibility coats/jackets when outside, and reflective tabards inside. Door Supervisors are to sign on and off duty every night, the signing in sheet to include their full name and full SIA badge number. Door Supervisors profiles to be retained on the premises for every Door Supervisor that is working at the premises or has done in the last 6 months. Profiles to be proof of identity (copy SIA badge, passport or photo driving licence) and proof of address dated in the last 6 months (utility bill, bank statement or other government letter). Profiles to be made available immediately on request to any Responsible Authority.
NUISANCE	Clear legible notices shall be displayed at all exits / entrances to the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
NUISANCE	Patrons shall not be permitted to use the frontage of the premises on Fleet Street to smoke or consume drinks.
NUISANCE	Patrons shall not be permitted to congregate outside of the front of the premises.

OBJECTIVE	CONDITION
NUISANCE	The premises licence holder / Designated Premises Supervisor shall ensure that a written agreement is made with reputable taxi company to ensure that when taxis pick-up and drop-off patrons at the premises, that noise from these vehicles does not cause a nuisance to local residents. Patrons who require a taxi shall be advised to use the nominated company.
NUISANCE	Bottle bins not to be emptied after 22:00 hours or before 08:00 hours.
NUISANCE	No deliveries to the premises to be permitted after 18:00 hours or before 08:00 hours.
NUISANCE	Save for access/egress, all doors and windows shall remain closed during regulated entertainment in the premises.
NUISANCE	Uniformed Marshalls to be engaged to direct customers away from residential properties when leaving the premises and to ensure customers do not congregate in Fleet Street
NUISANCE	There shall be no regulated entertainment in the external areas at any time.
NUISANCE	There will be no access to the premises from the rear of the building.
CHILD	All staff shall be trained on the proof of age scheme in operation at the premises including the acceptable forms of ID.
CHILD	ID SCANNER is fitted and will be in use

OPERATIONAL PLAN FOR SOIREE LOUNGE

TITLE	INFORMATION
PREMISES NAME	SOIREE LOUNGE
ADDRESS	UNIT 2, 5-11 FLEET STREET BIRMINGHAM B3 1JP
PREMISES LICENSE HOLDER	
DESIGNATED PREMISES LICENSE HOLDER	
INDEPENDENT RISK ASSESSOR & OPERATING CONSULTANTS	C.N.A RISK MANAGEMENT LTD

DESCRIPTION OF PREMISES, USAGE AND GENERAL OPERATION

SOIREE LOUNGE is a Medium sized bar, comprising of two floors at ground and first floor. A single entrance to the front directly onto pavement. The venue is currently un-licensed having had a Premises License revoked in the early part of 2016. The venue has secured two TENS and will be looking to apply for a new premises license. The venue provides a nightclub scenario.

The Operating Company fully understands its responsibility to promote the four Licensing Objectives via its Operational Plan i.e.:

Prevent Crime and Disorder

Public Safety

Protection of Children from harm

Prevention of Public Nuisance

The Plan reflects the nature of the premises, the type and time of events/entertainment being provided together with associated risk. The premise has a State of the art CCTV system installed, it will be constantly monitored whilst the premises are open.

All events requiring them will be subject of individual Risk Assessment. The services of a wholly independent, experienced Risk Assessment company will be employed to undertake such Assessments, lodging same with Police at the required time commensurate with any identified Risk.

Where the presence of Door Supervisors is necessary, they will be provided by a wholly independent company fully, SIA registered using only SIA registered staff in appropriate numbers identified by Risk Assessment.

SOIREE LOUNGE will have a zero tolerance attitude to drugs, operating a Drugs Policy in strict compliance with the Local Police Drugs Policy.

1. DOOR STAFF

ISSUE	OPERATIONAL POLICY
Numbers	<ul style="list-style-type: none"> Where Risk Assessment/Local Policing Policy dictates that door staff are required, the numbers utilised will be in compliance with local police policy AND in compliance with independent Risk Assessment
Training & Registration	<ul style="list-style-type: none"> Security Provider will be registered with SIA. Only fully trained and SIA registered staff will be used at the venue Whilst not directly employed by Soiree Lounge, door staff have a pivotal role in promoting the 4 Licensing Objectives for which the premises operator bears responsibility. Any individual door supervisor will only be permitted to perform duty at the premises with the approval of Soiree Lounge Management
Dress and Identification	<ul style="list-style-type: none"> Door staff will be smart and well presented, being clearly identifiable both at entrances/exits and within the premises. When performing duty at entrances/exits or outside the premises, door staff will wear high visibility jackets. Within the premises, they will wear high visibility arm bands. They will wear their SIA badges and advise Club Management of their SIA registered number upon request.
Promotion of Licensing Objectives	<ul style="list-style-type: none"> Any queue forming outside the premises will be monitored by door staff to prevent nuisance and to give early identification of individuals or groups who will not be permitted access to the premises. Door staff undertaking such function will use at least one body cam to assist that function at the entrance being used Individuals who are drunk, disorderly or both will not be permitted access to premises Search facilities including metal scanners will be available at the entrance when identified as necessary by Risk Assessment. Persons suspected of being unlawfully in possession of drugs will be searched. Door staff will understand that only the Police have right to search without consent BUT any person declining being searched by door staff will not be granted access to the premises Door staff will be sited throughout interior of premises as dictated by Risk Assessment. They will identify and prevent disorderly behaviour, ensuring the departure of patrons from premises who are drunk, disorderly or both. They will apprehend any offender suspected of criminal activity, placing same in sterile detention area provided for this purpose and notifying the police

1. DOOR STAFF – CONTINUED

ISSUE	OPERATIONAL POLICY
	<ul style="list-style-type: none"> • Door staff will strictly enforce and comply with Soiree Lounge Drugs Policy • Number of patrons entering and leaving the premises will, when dictated by Risk Assessment, be constantly monitored to ensure number of patrons within venue is known and complies with any restriction • Conduct of patrons leaving the premises will be monitored to minimise potential nuisance. Similarly, conduct of general public in vicinity will be monitored and Police advised of inappropriate behaviour/unlawful activity
Queuing	<ul style="list-style-type: none"> • Management policy is to keep queuing to an absolute minimum. Any queuing at Fleet Street entrance will be towards Summer Row
Dispersal Policy	<ul style="list-style-type: none"> • See dispersal Policy

2. CLOSED CIRCUIT TV SYSTEM

ISSUE	OPERATIONAL POLICY
Type of system	<ul style="list-style-type: none"> • "State of the Art" system installed. Will comply with requirements of Police/Home office in its ability to digitally store images of evidential quality (where required) on a 31 day rolling system. • Viewing and recording equipment installed in "operations room" subject of constant monitoring by trained SIA registered operative
Location and number of cameras	<ul style="list-style-type: none"> • Location, number and type of cameras has been dictated by wholly independent experienced Risk Assessment company • Fixed camera will be placed on the outside of the premises at each entrance with the ability to monitor any queue • Additionally, when Risk assessment dictates the requirement, "Bodycams" will be used at each entrance by door staff to augment the fixed camera monitor any queue. These cameras will be of Home Office approved type with ability to digitally store and download images of evidential quality • Cameras will be sited within each entrance to permit facial image of each person entering club to be seen and recorded. Similar cameras will be strategically placed throughout the premises • Number of cameras and their location within premises will ensure there are no "blackspots" permitting unlawful activity being unobserved. Coverage will include all rooms, passageways and other areas to which public have access.
Use of images by other parties	<ul style="list-style-type: none"> • Digital recording equipment ensuring all images are capable of being downloadable in format required by other parties e.g. police

3. COMMUNICATION EQUIPMENT

ISSUE	OPERATIONAL POLICY
Nature of system	<ul style="list-style-type: none"> • Personal radios will be provided by Club Management. • When present on site, all door staff will be provided with personal radios permitting their being able to communicate with each other, their Management on site and Club Management • Radio checks will be undertaken before usage. Batteries will be regularly charged to permit proper usage. Spare radios will be available in case of breakdown
System requirement	<ul style="list-style-type: none"> • To permit rapid internal response to any issue/potential issue e.g. disorder, criminality or medical emergency. • To permit notification to Police of any issue requiring their attendance. • To permit notification of police/other local venues of intelligence re activity of individuals or groups at or near venue

4. FIRST AID FACILITIES

ISSUE	OPERATIONAL POLICY
Welfare of staff and patrons	<ul style="list-style-type: none"> • Appropriate members and numbers of staff First Aid trained • In addition to First Aid boxes being strategically placed within premises, a properly equipped room devoted solely to First Aid provision is available at the premises • If dictated by Event Risk Assessment, fully trained and qualified paramedic will be present on premises

5. DRINKING POLICY

ISSUE	OPERATIONAL POLICY
Underage drinking	<ul style="list-style-type: none">• Under 18s will NOT be permitted entrance to any event where Liquor is being sold.• Challenge 25 is in place• In any case of doubt, patron will be required to produce photographic identification confirming identity and age• ID scanner will be in use at premises.
Excessive drinking	<ul style="list-style-type: none">• There will be no encouragement of excessive drinking by irresponsible sale of cheap or promotional drinks
Availability of soft drinks and water	<ul style="list-style-type: none">• Soft drinks and water will be readily available to all patrons
Drunkenness	<ul style="list-style-type: none">• Patrons who appear to be drunk when attempting to enter the premises will not be granted access• Patrons who appear to be drunk when on the premises will not be served further alcohol. If necessary, the First Aid room can be utilised to assist care of drunken individuals. Ambulance will be summoned if appropriate
Glassware	<ul style="list-style-type: none">• Where dictated by Risk Assessment, glass or Polycarbonate drinking glasses will be used at events.

6. DRUGS POLICY

ISSUE	OPERATIONAL POLICY
General Drugs Issue	<ul style="list-style-type: none"> • Second City Suite has an absolute “zero tolerance” in relation to Misuse of Drugs. This fact will be emphasised by signage at premises and within any promotional literature
Compliance with local policing Drugs Policy	<p>Full compliance:</p> <ul style="list-style-type: none"> • Persons suspected of being in possession of unlawful drugs will be asked to submit to search prior to entering premises. If they decline search, they will not be permitted access. • Any person within premises suspected of being in possession of unlawful drugs will be asked to submit to search. If they decline, they will be removed from the premises • Any “minor” possession (as per guidelines, i.e. non dealing quantity) discovered under these circumstances will lead to the suspect drugs being seized • If dealing quantity is discovered, the individual will be detained and the police called • Where individuals are suspected of being involved in drug dealing but no evidence is available, best efforts will be made to identify the individual and intelligence will be passed to police • Seized drugs will be logged and stored in compliance with local police policy
Discouragement of Drug abuse	<ul style="list-style-type: none"> • Within promotional literature and club signage • Regular visits and inspection of toilets

7. INCIDENT HANDLING

ISSUES	OPERATIONAL POLICY
Recording of Incidents	<ul style="list-style-type: none">• An Incident Register will be maintained. It will be kept in the by the ID scanner and any noteworthy incident will be as soon as practicable be fully logged in same.• All entries will be clearly legible and show specific time of occurrence.• Register will be made available to all responsible authorities, permitting their extraction of any appropriate detail
Incident Analysis	<ul style="list-style-type: none">• Independent consultants will support staff in making best efforts to prevent and deter recurrence of untoward incidents.
Preservation of Crime Scenes	<ul style="list-style-type: none">• In the unlikely event of serious incident requiring scene preservation pending police attendance, Independent consultants will again support staff as appropriate
Police Liaison	<ul style="list-style-type: none">• Regular liaison with police will be encouraged to ensure cross-reference of venue related incidents

Appendix 6

From: Licensing
Subject: RE: Soiree Lounge Proposed Conditions from Environmental Health

From: Paul R. Samms
Sent: Friday, July 14, 2017 1:04 PM
To: Carl Moore
Cc: Licensing
Subject: RE: Soiree Lounge Proposed Conditions from Environmental Health

All,

On the basis of the conditions the applicant has agreed to in the email string below, I confirm that I will not be making a representation.

Regards,

Paul Samms
Environmental Protection Officer

Environmental Protection Unit
Environmental Health
Manor House
40 Moat Lane
Digbeth
Birmingham
B5 5BD

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Environmental Health, Regulation & Enforcement, Birmingham City Council, PO BOX 15908, Birmingham, B2 2UD

Website: <http://www.birmingham.gov.uk/eh>
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"Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors"

From: Carl Moore
Sent: Friday, July 14, 2017 11:45 AM
To: Paul R. Samms
Subject: Re: Soiree Lounge Proposed Conditions from Environmental Health

Hi Paul,

The following condition my client accepts:

The premises cannot be accessed via the restaurant or be linked through a joint event with the restaurant. Whilst the Club is open, the back fire exit will not be used for access and egress at any time, except for in an emergency.

Regards

carl

Carl Moore
Director
C.N.A. Risk Management Ltd

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Please note: Incoming and outgoing e-mail messages are routinely monitored for compliance with our policy on the use of electronic communications.

From: Paul R. Samms
Sent: Friday, July 14, 2017 9:37:44 AM
To: Carl Moore
Subject: RE: Soiree Lounge Proposed Conditions from Environmental Health

Hi Carl,

I accept what you have indicated below with the exception of my re-wording of condition 5

Please let me know if this final list of re-worded conditions is acceptable.

Regards,

Paul Samms
Environmental Protection Officer

Environmental Protection Unit
Environmental Health
Manor House
40 Moat Lane
Digbeth
Birmingham
B5 5BD

Environmental Health, Regulation & Enforcement, Birmingham City Council, PO BOX 15908, Birmingham, B2 2UD

Website: <http://www.birmingham.gov.uk/eh>

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"Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors"

From: Carl Moore

Sent: Friday, July 14, 2017 8:48 AM

To: Paul R. Samms

Subject: Soiree Lounge Proposed Conditions from Environmental Health

Dear Paul,

My clients have spent time considering your proposed conditions below and here are there thoughts:

Suggested Conditions - Soiree

1. A Noise Limiting Device (NLD) of a type approved by the Environmental Protection Unit of Birmingham City Council shall be fitted to the amplification system and set at a pre-set volume level agreed with the Environmental Protection Section, to ensure the volume of music is pre-set so as not to cause a noise nuisance to the occupiers of nearby buildings. The installation of the NLD shall be notified to the Environmental Protection Section at least 14 days before its' initial operation and shall fulfil the following criteria:
 - a) The device shall be fitted in an approved position by a competent person and once fitted shall not be moved from the approved position unless prior approval is given
 - b) The device shall be connected to the back fire exit so that the music is switched off if the back exit is opened. It shall also be capable of maintaining the volume of the music at the pre-set level determined by the Environmental Protection Unit.
 - c) The NLD shall also be capable of setting pre-set levels for each of the bass frequencies.
 - d) The NLD shall be maintained in full working order and at the approved pre-set volume whilst the amplification system is operational.
 - e) Any damage or malfunction to the NLD shall be reported to the Environmental Protection Unit as soon as possible and within 24 working hours of the damage occurring or malfunction being noted. The NLD shall not be used in this damaged or malfunctioning state until approval has been given by the Environmental Protection Unit.

The above condition is accepted

2. Patrons shall not be permitted to use the external areas (including the frontage) of the premises to smoke or consume drinks.

The above condition is accepted

3. Patrons shall not be permitted to congregate outside the front, side or back of the premises.

The above condition is accepted

4. Clearly legible notices shall be displayed at the exits/entrance of the premises requesting that patrons respect the needs of nearby residents and leave the premises and area quietly.

The above condition is accepted

5. The premises cannot be accessed via the restaurant or be linked through a **joint** event with the restaurant. **Whilst the Club is open, the back fire exit will not be used for access and egress at any time, except for in an emergency.**
We would ask that the wording in red is inserted

6. The DPS shall ensure that a written agreement is made with reputable taxi companies to ensure that when taxi's pick up and drop off customers from the licensed premises noise from these vehicles does not cause a public nuisance to local residents. Notices shall be displayed within the licensed premises for customers to view giving details of taxi companies to use.

The above condition is accepted

7. Prior to use of the premises for regulated entertainment, noise attenuation works to the premises shall be approved and implemented to the satisfaction of Birmingham City Council Environmental Protection Unit. All such works shall be implemented in accordance with the approved details and thereafter maintained.

The above condition is accepted

8. No deliveries to the premises to be permitted after 20:00 hrs or before 08:00hrs.

The above condition is accepted

9. There shall be lobbied areas for all external exists/entrances. The lobbied areas shall meet with the approval of Birmingham City Council Environmental Protection Unit.

The above condition is accepted

10. The applicant shall submit a dispersion/management plan/s to Birmingham City Council Environmental Health for approval. The plan will outline exactly how the venue will ensure that patrons leaving the venue do not disturb local residents. The plan is to include the number of street marshals and SIA registered doormen needed to implement the plan. Plans will vary depending upon the numbers of patrons expected and the nature of events.

The above condition is accepted

11. The Designated Premises Supervisor shall ensure that the approved dispersion/management plan is implemented.

The above condition is accepted

12. There shall be no regulated entertainment in the external areas at any time

The above condition is accepted

Please let me know if the above comments are acceptable.

Regards

Carl

Carl Moore
Director
C.N.A. Risk Management Ltd



BIRMINGHAM CITY COUNCIL
LICENSING SUB-COMMITTEE - B

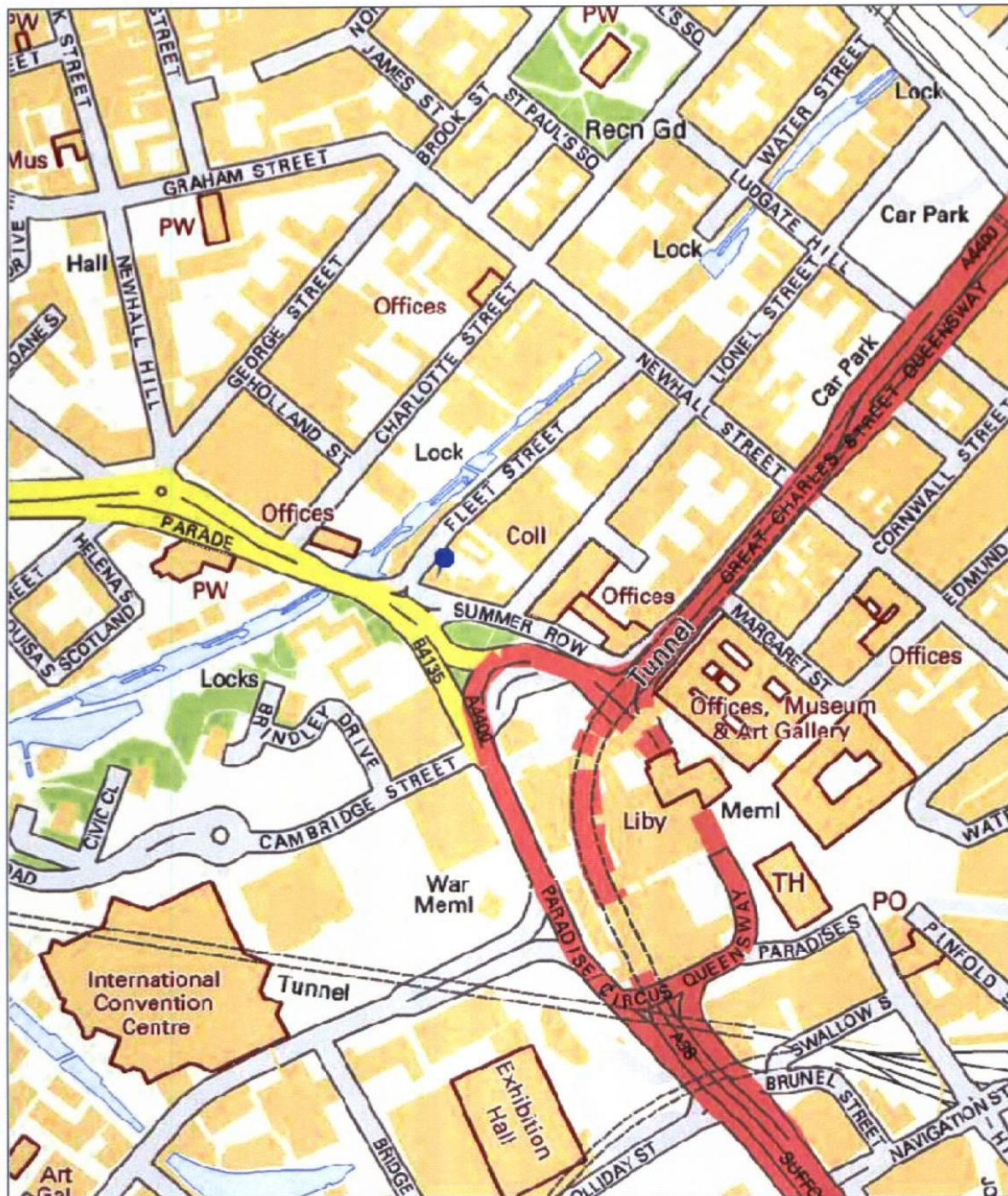
8 August 2017

That having considered the application for a Premises Licence for Soiree Lounge Unit 2, 5-11 Fleet Street, Birmingham, B3 1JP in accordance with the provisions of the Licensing Act 2003, this Sub Committee hereby determines to adjourn the formal determination of the application to Tuesday 22 August 2017 @ 10.00am.

The Sub Committee were informed by officers that following a formal request for an adjournment by the legal representative on behalf of the Applicant on the 26 July 2017, (due to her unavailability), those making representations were informed of the request and invited to make representations on the same. The Sub Committee were advised that all of those that responded, had indicated they could attend an adjourned Hearing on the above date, if the Sub Committee were minded to agree to the adjournment.

The Sub Committee therefore determined to adjourn today's meeting which took place in the absence of the parties to the date referred to above, in accordance with Regulation 12 of the Licensing Act (Hearings Regulations) 2005 where it considers this to be necessary for its consideration of any representations or notice made by a party.

As the Sub Committee have made no determination on the Application, the agreement to an adjournment by the Sub Committee is not subject to the Appeal provisions contained within Schedule 5 of the Licensing Act 2003. The only recourse against the decision to adjourn the meeting would be by way of judicial review.



Birmingham City Council

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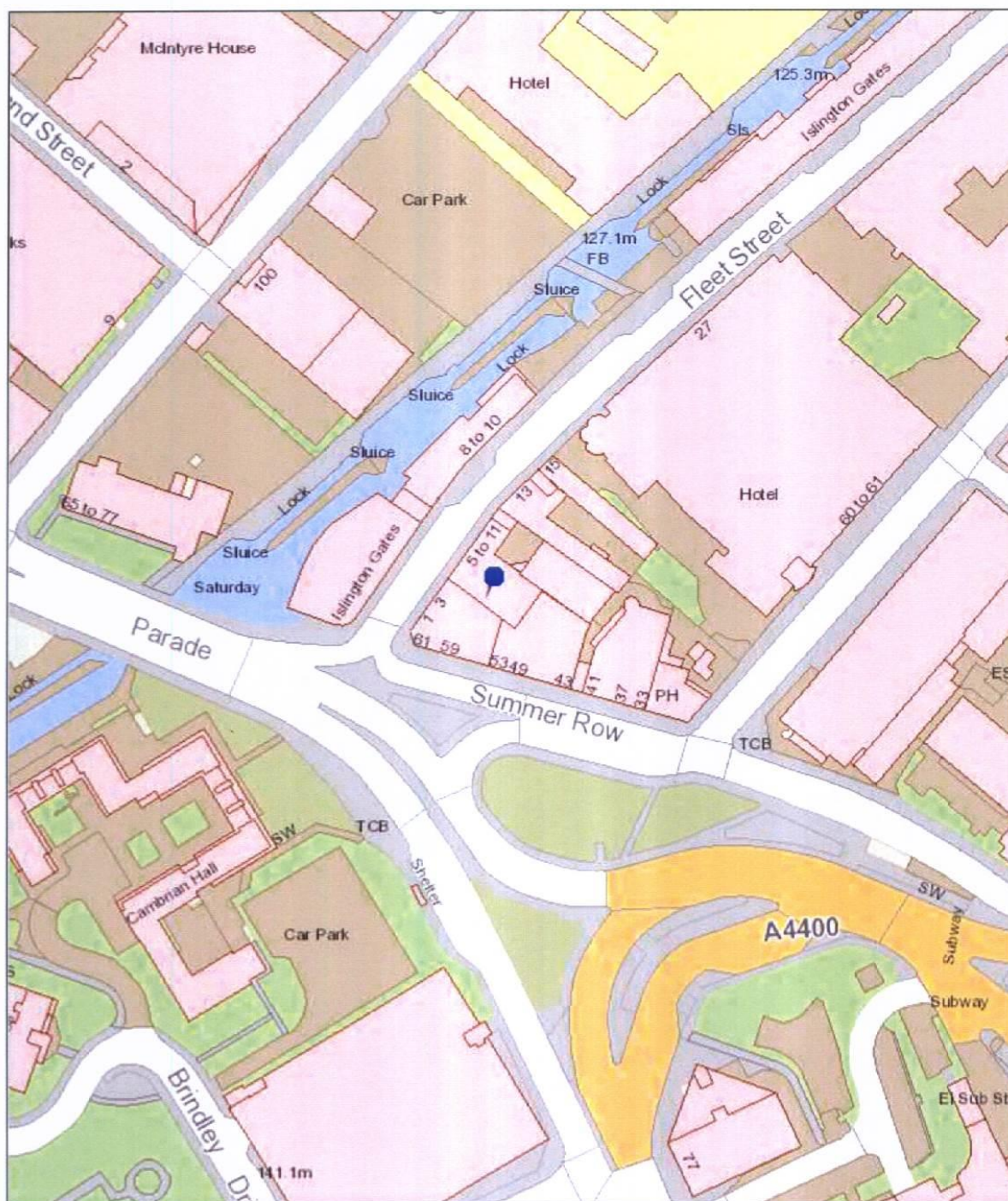
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